

REMARKS

I. Status

The Office Action indicates claims 1-7, 9-14, and 16-20 to be pending in this Application. With this response, claim 1 is amended. No new matter has been added.

Claims 1, 2, 4-7, 9-12, 14, 16-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube (U.S. Patent No. 5,666,661) in view of Karaoguz (U.S. Application No. 2002/0059434).

Claims 3, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Karaoguz and Schroderus (U.S. Patent No. 5,822,682).

Claims 1, 11, 16, and 17 are independent.

II. Rejection of Independent Claims 1, 11, 16, and 17 under 35 U.S.C. 103

The Office Action rejects claims 1, 11, 16, and 17 under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Karaoguz. The Applicant respectfully disagrees.

The Applicant thanks the Examiner for extending the courtesy of the telephonic interview of September 9, 2008. In view, for instance, of the telephonic interview, the Applicant understands the Office Action to consider the combination of Grube and Karaoguz to provide switching, in response to one event, from communicating via a network to communicating in direct mode and then subsequently switching, in response to another event, from communicating using a first communications module to communicating using a second communications module.

However, the Applicant respectfully observes that the claims do not set forth such subsequent switching operation involving response to plural events, and instead set forth a single change in response to a single determination:

“... in response to a determination that the criterion is met, changing from communicating between the first and second radio transceivers via the telecommunications network over the first channel using the first communications module to communicating between the first and second radio transceivers in direct mode using a second communications module associated with the first radio transceiver over a second channel, the first and second channels being of different types”
(see claim 1 as amended herewith; emphasis added)

“... a channel changer, responsive to a determination that the threshold is met, for changing from communicating with the first communications module via the telecommunications network over the first channel to direct mode communication between the transceiver and the remote transceiver with the second communications module over the second channel”
(see claim 11; emphasis added)

“... a channel changer responsive to a determination that the threshold is met, for changing from communicating with the first communications module via the telecommunications network over the first channel to effect direct mode communication between the transceivers with the second communications module over the second channel”
(see claim 16; emphasis added)

“... means, responsive to a determination that the threshold is met, for changing from communicating with the first means via the telecommunications network over the first channel to direct mode communication between the transceiver and the remote transceiver with the second means over the second channel”
(see claim 17; emphasis added).

In view of at least the foregoing, the Applicant respectfully submits that claims 1, 11, 16, and 17, as well as those claims that depend therefrom, are in condition for allowance.

III. Dependent Claims

The Applicant does not believe it is necessary at this time to further address the rejections of the dependent claims as the Applicant believes that the foregoing places the independent claims in condition for allowance. The Applicant, however, reserves the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

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CONCLUSION

The Applicant respectfully submits that this application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4232.

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By:

A handwritten signature in black ink, appearing to read 'Angus R. Gill', is written over a horizontal line.

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